

REMARKS

This Amendment is submitted in response to the Office Action mailed on March 12, 2004.

ELECTION/RESTRICTIONS AND CONTINUITY INFORMATION

Applicants respectfully acknowledge the Examiner's characterization of the instant application as a continuation of the priority application, U.S. Patent Application Serial No. 09/296,070, now U.S. Patent No. 6,358,417.

CLAIM REJECTIONS UNDER 35 U.S.C. § 112

The Office Action rejected claims 1-16 under 35 U.S.C. §112, first paragraph. Accordingly, independent claims 1 and 11 have been amended to recite a "filter" rather than a "filter cartridge." The application title has also been amended to reflect this change. A filter as claimed is fully enabled and described by the specification and drawings as filed. See, for example, the original specification at page 12, lines 15-22. Therefore, Applicants respectfully request withdrawal of the rejection of claims 1-16 under 35 U.S.C. § 112, first paragraph.

SPECIFICATION

The first sentence of the specification under the heading "CROSS REFERENCE TO RELATED APPLICATIONS" is hereby corrected in accordance with the Examiner's suggestion.

DOUBLE PATENTING

The Office Action rejected claims 1-16 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Clack, U.S. Patent No. 5,366,576 in view of claims 1-5 of U.S. Patent No. 6,358,417 to Aune et al. To overcome these rejections, Applicant hereby timely files a terminal disclaimer in compliance with 37 C.F.R. § 1.321 with

respect to the '417 patent. The '417 patent and the instant application are both assigned to Osmonics, Inc. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-16 based on a non-statutory double patenting ground.

CONCLUSION

Applicants have attempted in earnest to address each issue raised in the Office Action. In view of the foregoing, Applicants respectfully submit that all pending claims 1-16 are allowable. Applicants respectfully request notice of the allowability of claims 1-16.

The Examiner is invited to telephone the undersigned at (612) 337-9365 to discuss any further amendments which are required to put this application in condition for allowance.

The Commissioner is authorized to charge payment of any additional fees associated with this paper or credit any overpayment to Deposit Account No. 11-0982.

Respectfully submitted,

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